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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

10 BILLY CEPERO,

11 Plaintiff,

12 Case No.: 2:11-cv-01421-JAD-GWF

13 vs.

14 LAS VEGAS METROPOLITAN POLICE
15 DEPARTMENT, ET AL.,

16 Defendant.

17 **STIPULATION AND ORDER TO EXTEND DISCOVERY (FIRST REQUEST)**

18 Pursuant to LR 6-1 and LR 26-4, Plaintiff Billy Cepero, ("Plaintiff"), by and through his
19 counsel of record, Lauren D. Calvert, Esq. of the Van Law Firm and Defendants ("Defendants"),
20 by and through their attorney of record, Tye S. Hanseen , Esq. of Marquis Aurbach Coffing,
21 hereby stipulate and request that this court extend discovery in the above-captioned case one
22 hundred eighty (180) days, up to and including April 17, 2019. In addition, the parties request
23 that the expert deadline, dispositive motion deadline and pre-trial order deadline be extended for
24 an additional ninety (90) days as outlined herein. In support of this stipulation and request, the
25 parties state as follows:

26 **I. DISCOVERY COMPLETED TO DATE**

27 1. Cepero served written discovery on the Defendants.
28 2. Defendants served written discovery on Cepero.
29 3. The Defendants have obtained leave to take Cepero's deposition.

1 4. The parties are working together to schedule depositions.

2 **II. WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

3 This case was filed in 2011 by Cepero as a pro se inmate. The case was originally
 4 dismissed at the District Court level on statute of limitations grounds. Plaintiff appealed to the
 5 Ninth Circuit, which reversed the District Court and remanded the case for further proceedings.
 6 Cepero named more than 20 defendants. Many of the defendants are now retired and/or not
 7 residing in Clark County. As the case is now moving forward in this Court, counsel for the
 8 Defendants has been working on making contact with each of the Defendants. Also, Cepero is
 9 still incarcerated at Nevada Ely State Prison and was appointed pro bono counsel only earlier this
 10 year. This further complicates the discovery process and related communications between
 11 counsel and the parties.

12 **III. DISCOVERY REMAINING**

13 1. Depositions of the parties.
 14 2. Depositions of any percipient witnesses.
 15 3. Written discovery.
 16 4. Acquisition of medical records.
 17 5. Possible expert disclosures.
 18 6. Possible expert depositions.
 19 7. Any other discovery the parties deem necessary as the case progresses.

20 **IV. EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND**
 21 **SCHEDULING ORDER**

22 LR 26-4 governs modifications of extensions of the Discovery Plan and Scheduling
 23 Order. Any stipulation or motion must be made no later than twenty-one (21) days before the
 24 expiration of the subject deadline and comply fully with LR 26-4. The parties acknowledge that
 25 the expert deadline will pass on August 29, 2018.

26 The following is a list of the current discovery deadlines and the parties' proposed
 27 extended deadlines.

ACTIVITY	DATE	PROPOSED DEADLINE
Amend Pleadings or Add Parties	July 30, 2018	Passed
Expert Disclosures Pursuant to Fed.R.Civ.P. 26(a)(2)	August 29, 2018	January 17, 2019
Rebuttal Expert Disclosure Pursuant to Fed.R.Civ.P. 26(a)(2)	September 28, 2018	February 15, 2019
Discovery Cut-Off Date	October 28, 2018	April 17, 2019
Dispositive Motions	November 27, 2018	May 17, 2019
Joint Pretrial Order	December 27, 2018	June 17, 2019

If dispositive motions are filed, the deadline for filing the Joint Pre-Trial Order will be suspended until thirty (30) days after the decision on the dispositive motions or further court order.

This request for an extension of time is not sought for any improper purpose or other purpose of delay. The parties have worked together at moving discovery forward and have worked to get this case moving forward, but the fact of this being a 2011 case, there being more than 20 defendants, the case being dismissed and then remanded, the time for appointment of pro bono counsel, and Plaintiff being an inmate has made things more difficult and caused delays not necessarily present in some other cases.

This is the first request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the discovery extension.

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1 WHEREFORE, the parties respectfully request that this court extend the discovery period
2 by ninety (180) days, from the current deadline of October 28, 2018 to and including April 17,
3 2019, and the other discovery dates as outlined in accordance with the table above.

4 APPROVED AS TO FORM AND CONTENT.

5 Dated this 21st day of August, 2018.

5 Dated this 21st day of August, 2018.

6 MARQUIS AURBACH COFFING

6 VAN LAW FIRM

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13 **ORDER**

14 IT IS SO ORDERED this 23rd day of August, 2018.



15 UNITED STATES MAGISTRATE JUDGE
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